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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,321	06/29/2001	Preston J. Hunt	42390P11147	8383

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EXAMINER

POLTORAK, PIOTR

ART UNIT PAPER NUMBER

2134

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/896,321

**Applicant(s)**

HUNT ET AL.

**Examiner**

Peter Poltorak

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 10-12 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-7, 10-12 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The Amendment, and remarks therein, received on 11/27/06 have been entered and carefully considered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

***Response to Amendment***

3. The new amendments to claims 1-3, 10 and 20 and cancellation of claims 21-22 addressed the 35 USC § 112 rejections cited in the previous Office Action. As a result, the 35 USC § 112 rejection cited in the previous Office Action are withdrawn.
4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
5. Claims 1-4, 6-7, 10-12 and 20 have been examined.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear how one would add server file contents that are missing on the server to the client. Another words, it is not clear how, as suggested by the amended limitation, a file that a server does not have is added to a client during the client/server synchronization.

7. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. As indicated above, the limitations of claim 3 is not clear. If there are no limitation missing (e.g. there are some other clients/servers that take part in the client/server synchronization) than it is not clear where the client obtains the missing server file from. As a result the metes and bounds of the claim limitation cannot be uncertain.

#### ***Claim Rejections - 35 USC 103***

8. Claims 1-2, 4, 6, 10-12, 20 are rejected under 35 U.S.C. 103(a) as obvious over Midgely (U.S. Patent No. 6571245) in view of Margolus (U.S. Pub. No. 20040143743).  
  
Huang discloses a network synchronization of a client/server files (Fig. 8 and col. 11 line 62-col. 12 line 9).
9. *Huang does not disclose generation of client message digests and server message digest corresponding to client and server file contents respectively and as a result,*

*Furthermore, Hunag does not disclose synchronizing the client files and the server files if the client file contents and the server file contents do not match.*

Margolus teaches generating, prior to synchronization, client message digests corresponding to client files, and generating client message digests corresponding to server files and using the message digests to determine whether to synchronize a client and a server (Margolus, [6-7]). In particular, Margolus discloses the benefit of matching client file content and server client content using message digest to avoid synchronizing the client files and the server files if the client file content and the serve file content match (Margolus, [7]).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include generating, prior to synchronization, client message digests corresponding to client files, and generating client message digests corresponding to server files and using the message digests to determine whether to synchronize a client and a server as disclosed by Margolus. One of ordinary skill in the art would have been motivated to perform such a modification in order to avoid unnecessary transmission and duplicate-storage of files.

Since introducing Margolus' invention would alleviate only the problem of transfer duplicate client/server files, synchronizing the client files and the server files, if the client files contents and the server file contents do not match would be necessary in order to successfully accomplish client/server file synchronization taught by Huang.

10. As per claim 2, the ordinary artisan would recognize that new files are frequently created on client (and a server) and, as a result, it would have been obvious to one

of ordinary skill in the art at the time of applicant's invention to add client file contents that are missing on the server to the server given the benefit of including new files in synchronization process.

11. Claims 10 and 20 are substantially equivalent to claim 1; therefore claim 10 and 20 are similarly rejected.

12. As per claims 4, 6 and 11-12, the message digests, such as the cryptographic hash comprising 128-160 bits (Margolus, SHA-1 [59]), uniquely identifies the corresponding file (Margolus, [6]).

13. Claims 7 is rejected under 35 U.S.C. 103(a) as obvious over Midgely (U.S. Patent No. 6571245) in view of Margolus (U.S. Pub. No. 20040143743) and further in view of Chan (U.S. Patent No. 6748538) or alternatively in further view of Bolosky (U.S. Pub. No. 20020194484).

The disclosed above Midgely in view of Margolus present generating cryptographic hashes (message digests) to content of the client files.

14. *Midgely in view of Margolus do not disclose combining the message digests into a single message digest.*

Chan teaches combining the message digests into a single client message digest (Chan, col. 3 line 45- col. 4 line 7).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine message digests into a single message given the benefit of ensuring the integrity of the message digests.

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Similarly, Bolosky discloses combining the message digests into a single client message digests (manifest, Bolosky, [7]).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine message digests into a single message given the benefit of a increased efficiency of evaluating multiple digests.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Brown (U.S. Pub. No. 20020174180).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

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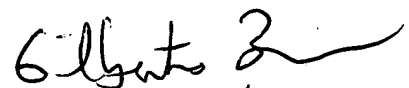
only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A stylized handwritten signature, possibly reading 'R1', with a horizontal line extending to the right.

12/06/06



GILBERTO BARRÓN JR.  
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